

REMARKS

The following remarks are responsive to the Final Office Action, dated July 2, 2008.

Currently, claims 1 and 3-29 are pending with Claims 1, 16, 27 and 28 being independent. Claim 2 has been previously cancelled without prejudice or disclaimer. No new matter is added.

35 U.S.C. 103(a)

In the Final Office Action, the Examiner maintained his rejections of claims 1 and 3-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,687,241 to Goss (hereinafter, "Goss") in view of U.S. Patent No. 5,526,417 to Dezonno (hereinafter, "Dezonno"). In the Final Office Action, the Examiner stated that Goss teaches all elements of the claims except that Goss fails to "specifically teach via a soft-key or graphical button of the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party." (Final Office Action, page 3). The Examiner further stated that Dezonno teaching this limitation and that

"[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dezonno into the teachings of Goss for the purposes of reducing the conversation handling time of the agent or operator so that the agent is available to take subsequent incoming calls which are waiting in queue for the agent service, which also reduces the holding time a customer waiting for an agent since the agent does not need to repeat farewell messages, as discussed by Dezonno (col. 7, line 37-46). This also maintains agent's professionalism and energetic voice throughout the day, especially towards the end of the day when agents are tired." (Final Office Action, page 3).

The Examiner also alleged that:

"Goss teaches providing a graphical user interface that coupled to the CSRS (Fig. 1, workstation 14 coupled to call center A) and the information receive and display on the GUI entered by the calling party (col. 9, lines 5-13), hence Goss teaches a GUI coupled to the CSRS and configured to receive and display information from the CSRS wherein the information received from the CSRS originated from the calling party." (Final Office Action, page 6).

The Examiner further stated that:

“[f]irst of all, Dezonno teaches both pre-conversation messages (col. 2, lines 13-19) and post-conversation messages (col. 8, lines 2-6; col. 7, lines 6-10). Secondly, this is irrelevant. Since Applicant’s claims are so broad, whether post-conversation or pre-conversation message, the message that being sent from the CSRS to the calling party reads on Applicant’s claims invention.” (Final Office Action, pages 6-7).

Applicants respectfully disagree and again traverse this rejection.

Claim 1 recites, *inter alia*, an apparatus for caller information retrieval that includes a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, and a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.

To establish such a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. (emphasis supplied). There must also be some objective suggestion or motivation to modify a reference or combine reference teachings, and a reasonable expectation of success with respect to making the modification or combination. Moreover, it is improper for the Examiner to modify a reference in such a way that would change the principle of operation of the prior art reference being modified. MPEP § 2143. For at least the reasons set forth below, Applicants again respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness of Claims 1 and 3-29.

Applicants incorporate and reiterate their arguments submitted along with their Amendment and Response, dated February 1, 2008.

As understood by Applicants, Goss relates to an enterprise contact server that enables

customers to submit call-back request to agents located at any one of a plurality of call centers via the Internet or any other communications technology available. (Goss, Abstract). Goss's call center includes various components responsible for answering and routing contact requests and inbound calls, which include an automatic call distributor ("ACD") providing a telephony switching means, a call center contact server supporting agents, agent workstations, agent telesets, computer/telephony interface, and a LAN (e.g., Call Center A). (Goss, Col. 4, lines 20-46). Goss includes an Enterprise Voice Response Unit ("VRU") having an Interactive Voice Response ("IVR") system with a separate voice link associated with Goss's call center system. (Goss, Col. 4, lines 47-51). If the customer calls over the PSTN in to the call center, the call is routed to any ACD at any call center, then the ACD routes the call to the VRU that is able to collect information from the caller. (Goss, Col. 7, lines 22-31 and Col. 4, lines 54-55). Thus, components other than the IVR system (e.g., ACD, etc.) in Goss answer inbound calls or request for contact, but fail to play a message to the calling party, contrary to the recitation of claim 1. Further, Goss's data access points ("DAP") and various other components of the Goss's system answer the call **prior** to forwarding it to the VRU that makes a determination to which agent the call should be forwarded. (Goss, FIGS. 4a-c; Col. 10, lines 30-44). (emphasis supplied). This is different than having a customer service response system capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, as recited in claim 1.

Additionally, the information received from the call center is not the information entered by the caller. Prior to forwarding calls to a specific VRU (based on a number dialed, for example), Goss uses a dialed number, ANI, time of day, day of week, and load balancing algorithms information to determine which VRU to route the calls to. (Goss, Col. 10, lines 34-

39). This information is not provided by the caller, but instead, it is provided by a telephone company. Once the information has been received from the telephone company by Goss's call center, the call center selects an appropriate VRU to route the call to, which then sends a request to a router to select a particular qualified agent to handle the call. (Goss, Col. 10, line 44 to Col. 11, line 17). Once, the agent is selected, the VRU forwards a call data that includes data for routing the call and data pertaining to the caller or service (e.g., bill payer ID, customer account data, caller-selected options). (Goss, Col. 11, lines 6-17). As such, Goss's data does not originate from the calling party, contrary to the recitation of claim 1.

Additionally, Goss fails to provide a graphical user interface electrically coupled to the CSRS and configured to receive and display information from the CSRS, as recited in claim 1. Instead, Goss uses screen-pops to display information entered on the web by customers requesting call-backs. (Goss, Col. 9, lines 1-13 and Col. 12, line 53 to Col. 13, line 7). In the inbound call aspect of Goss's system, Goss fails to disclose that a graphical user interface receives and displays information from the CSRS, which is contrary to the Examiner's assertion (Office Action, page 3) and recitation of claim 1. As such, Goss fails to disclose all elements of claim 1.

As previously stated in Applicants' Amendment and Response, dated February 1, 2008, Dezonno does not cure the deficiencies of Goss. As understood by Applicants, Dezonno relates to an automatic call distributor ("ACD") with an automated **post-conversation** message system. (Dezonno, Abstract). (emphasis supplied). Dezonno includes a central processing unit ("CPU") that is programmed to initiate the playing of post-conversation voice messages in the voice of the agent handling the call in response to the agent **terminating** the call selectively actuating soft keys at the agent set. (Dezonno, Col. 8, lines 2-6). (emphasis supplied). Thus, the agent uses a soft key to **terminate** the call and **not send** another message to the calling party, contrary to the

recitation of claim 1. (emphasis supplied). Upon terminating the call, Dezonno's CPU sends a "goodbye" message to the caller. To improve their call handling capabilities, Dezonno's agents always use soft keys to terminate calls and as such Dezonno's CPU always sends a "goodbye" message to callers, rather than selectively initiate another message, contrary to the recitation of claim 1. (emphasis supplied). Thus, Dezonno is different than present invention's GUI configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1. As such, neither Goss, Dezonno, nor their combination disclose, teach, or suggest all elements of claim 1. Thus, Applicants respectfully request allowance of claim 1.

As stated above, Goss relates to a system that handles requests for contact or inbound calls from customers to service agents. The purpose of Goss's system is to locate a qualified agent to handle customer's request for call back or inbound call. Goss does not seek to shorten call handling time and professionalism and/or alertness of its agents, as suggested by the Examiner. Instead, Goss uses available information to locate a skilled agent that can properly assist the customer. Further, Goss is concerned with pre-agent conversation aspects of customer-call-center communications. (emphasis supplied). In contrast, Dezonno deals with call termination aspects of the customer-call-center communications. (emphasis supplied). Thus, Goss and Dezonno deal with two completely different stages of a call - (1) beginning of a call (Goss) and (2) end of a call (Dezonno). Additionally, Goss seeks to find the most qualified agent to handle the call; this clearly involves spending additional time with the caller prior to connecting the caller to the agent. In contrast, Dezonno seeks to shorten the time an agent spends with a caller by terminating the live contact with the caller prior to the agent saying goodbye. Hence, one having ordinary skill in the art would not look to Dezonno to solve the deficiencies of Goss, as they are directed to solving vastly different problems. As such, there is no motivation

or suggestion to combine Goss and Dezonno, contrary to the Examiner's suggestion.

The improper combination of the Goss and Dezonno fails to realize the present invention. The alleged combination of the references discloses a call center having a VRU system that further includes an ACD system with a central processing unit that allows the agent to terminate the call early using a soft key. However, the combination of Goss and Dezonno fails to disclose, teach, or suggest, *inter alia*, a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, and a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) for the above reasons.

Independent Claims 16, 27 and 28 are not rendered obvious by Goss alone or in combination with Dezonno for at least the reasons stated above with respect to claim 1. Thus, the rejections of claims 16, 27, and 28 are respectfully traversed. The Examiner is requested to reconsider and withdraw his rejections of claims 16, 27, and 28.

Claims 3-15, 17-26, and 29 are dependent on claims 1, 16, and 27, respectively. Thus, claims 3-15, 17-26, and 29 are not rendered obvious for at least the reasons stated above with respect to claim 1. Thus, the rejections of claims 3-15, 17-26, and 29 are respectfully traversed. The Examiner is requested to reconsider and withdraw his rejections of claims 3-15, 17-26, and 29.

CONCLUSION

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicant's undersigned attorney and agent to expedite further processing of the application to allowance.

Respectfully submitted,



Dated: July 2, 2008

Boris A. Matvenko, Reg. No. 48,165
Attorney for Applicant
MINTZ LEVIN COHN FERRIS, et al.
666 Third Avenue
New York, NY 10017
Telephone: (212) 935-3000
Telefax: (212) 983-3115